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10 Adma Fata

11 UNITED STATES DISTRICT COURT

12 DISTRICT OF NEVADA

13 ***

14 UNITED STATES OF AMERICA,)	
)	2:11-cr-00188-RLH-(CWH)
15 Plaintiff,)	
)	AMENDED ORDER RE:
16 v.)	<u>STIPULATION TO CONTINUE</u>
)	<u>CALENDAR CALL, AND TRIAL</u>
17 ANTOUN JEAN FATA, and)	(Fourth Request)
18 ADMA FATA,)	
)	
19 Defendants.)	

20 IT IS HEREBY STIPULATED by and between Daniel G. Bogden, United States
21 Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney, Counsel for the United
22 States of America; Rene L. Valladares, Federal Public Defender, and Shari L. Kaufman,
23 Assistant Federal Public Defender, counsel for ANTOUN JEAN FATA; and Angela H. Dows,
24 Esq., counsel for ADMA FATA, that the calendar call currently scheduled for January 18, 2012,
25 at the hour of 8:45 a.m., and the trial currently scheduled for January 23, 2012, at the hour of
26 8:30 a.m. be vacated and set to a date and time convenient to this court. However, in no event
27 earlier than sixty (60) days.

28 This is the fourth request for a continuance in this case. This Stipulation is entered into
based upon the following:

1. That a Motion hearing was held on November 4, 2011 regarding the Defendants'

Motions to Suppress (CR 39 & 41). Currently, the matter is under submission.

2. That an additional evidentiary hearing has been set for December 29, 2011, regarding Defendants' Supplemental Motion to Suppress (CR 55). That additional time will be needed to evaluate the Report and Recommendations to be had from this hearing, in addition to the November 4, 2011 hearing.

3. Counsel for Defendants have conferred with their clients, and the Defendants have no objection to the requested continuance.

4. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. §3161(h)(1)(G), and 18 U.S.C. §3161(h)(7)(A) and (B).

5. Denial of this request for continuance would result in a miscarriage of justice, as additional time is needed by which to review discovery in a multi-Defendant case, negotiate a potential disposition, and effectively and thoroughly research and prepare for trial within the time limits established by 18 U.S.C. §3161, taking into account the exercise of due diligence.

6. For all the above-stated reasons, the ends of justice would best be served by a brief continuance of the pretrial motions deadlines, calendar call, and trial date.

DATED this 12th day of December, 2011.

DANIEL G. BOGDEN
United States Attorney
By: /s/ Phillip N. Smith, Jr.
PHILLIP N. SMITH, JR.
Assistant United States Attorney
Counsel for Plaintiff

RENE L. VALLADARES
Federal Public Defender
By: /s/ Shari L. Kaufman
SHARI L. KAUFMAN
Assistant Federal Public Defender
Counsel for Antoun Jean Fata

READE & ASSOCIATES
By: /s/ Angela H. Dows
ANGELA H. DOWS, ESQ.
Appointed Counsel for Adma Fata

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 ***

4 UNITED STATES OF AMERICA,)
5) 2:11-cr-00188-RLH-(CWH)
6 Plaintiff,)
7 v.) FINDINGS OF FACT, CONCLUSIONS
8) OF LAW, AND ORDER THEREON
9 ANTOUN JEAN FATA, and)
ADMA FATA,)
10 Defendants.)

11 **FINDINGS OF FACT**

12 Based on the pending Stipulation of the parties, and good cause appearing therefore, the
13 Court finds that:

14 1. That a Motion hearing was held on November 4, 2011 regarding the Defendants'
15 Motions to Suppress (CR 39 & 41). Currently, the matter is under submission.

16 2. That an additional evidentiary hearing has been set for December 29, 2011,
17 regarding Defendants' Supplemental Motion to Suppress (CR 55). That additional time will be
18 needed to evaluate the Report and Recommendations to be had from this hearing, in addition to
19 the November 4, 2011 hearing.

20 3. The parties also request additional time to negotiate disposition of this case.

21 4. Defendants are not incarcerated, and do not object to the continuance.

22 **CONCLUSIONS OF LAW**

23 1. The additional time requested by this stipulation is excludable in computing the
24 time within which the trial herein must commence pursuant to the Speedy Trial Act, specifically
25 18 U.S.C. §3161(h)(1)(G), and 18 U.S.C. §3161(h)(7)(A) and (B).
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27
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1 2. Denial of this request for continuance would result in a miscarriage of justice, as
2 additional time is needed by which to review discovery and the rulings of the Honorable
3 Magistrate Judge in a multi-Defendant case involving charges of Illegal Acquisition of a
4 Firearm, and Illegal Transport of a Firearm.

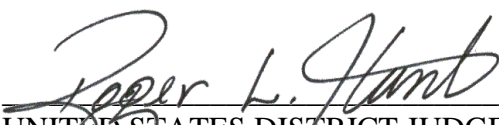
5 3. Denial of this request for continuance would deny the parties herein sufficient
6 time and the opportunity within which to be able to negotiate a disposition and effectively and
7 thoroughly research and prepare for trial within the time limits established by 18 U.S.C. §3161,
8 taking into account the exercise of due diligence. For the above-stated reasons, the ends of
9 justice would best be served by a continuance, and such continuance outweighs the best interests
10 of the public and the defendants in a speedy trial.
11

12 **ORDER**

13 IT IS THEREFORE ORDERED that trial briefs, proposed voir dire questions, proposed
14 jury instructions, and a list of the Government's prospective witnesses must be submitted to the
15 Court by the 21st day of March, 2012, by the hour of 12:00 p.m.

16 IT IS FURTHER ORDERED that the calendar call currently scheduled for January 18,
17 2012 be vacated and continued to March 21, 2012 at 8:45 a.m., Courtroom 6C;
18

19 and the trial currently scheduled for January 23, 2012 be vacated and continued
20 to March 26, 2012 at 9:00 a.m., Courtroom 6C.

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22 
23 UNITED STATES DISTRICT JUDGE
24 DATED: December 13, 2012
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